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Paper No. 13

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SEP 29 2003

In re Application of
Prussak et al.
Application No. 10/006,305
Filed: December 6, 2001
Attorney Docket No. 263/092

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition filed September 15, 2003¹, under 37 CFR 1.137(b), to revive the above-identified application. The petition is being treated under the unintentional provisions of 37 CFR 1.137(f).

This Petition is hereby granted.

The above-identified application became abandoned pursuant to 35 USC 122 (b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multinational international agreement, the requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty²; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

¹The petition was received in the Office of Petitions on September 15, 2003; however, the petition was received in Technology Center 1700 on May 28, 2003.

² The filing of a petition under this section will not relieve application of the obligation to reply to any outstanding Office action.

This application is being returned to the Office of Initial Patent Examination for mailing of a Notice of Publication Fee Due and a corrected Filing Receipt indicating a projected publication date, and for processing of the response to the Notice to File Missing Parts of Nonprovisional Application.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions